

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-cv-682-wmc

WADE C. STANLEY, CYNTHIA M.  
STANLEY, ARTHUR F. STANLEY, and  
CYNTHIA A. STANLEY,

Defendants.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The above-captioned matter having come before the Court to be heard, Honorable William M. Conley, United States District Judge for the Western District of Wisconsin, presiding without a jury, the United States of America, having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendants herein, other than Arthur F. Stanley and Cynthia A. Stanley, except as may be noted on the record; the Clerk of the United States District Court for the Western District of Wisconsin having duly entered the default of Defendants Wade C. Stanley and Cynthia M. Stanley; the United States and Defendants Arthur F. Stanley and Cynthia A. Stanley having entered into a Stipulation Regarding Mortgage Priorities and Entry of Judgment; and the United States having filed a Motion for Default Judgment, with accompanying Declarations; and it further appearing that due notice of motion for judgment has been

made to the Defendants, and the Court having heard the matter, therefore makes and files the following findings of fact and conclusions of law constituting its decision in this action.

### FINDINGS OF FACT

1. The allegations set forth in the United States' complaint are accepted as true.

2. There is now due and unpaid on all Notes and Mortgages held by the United States as of June 2, 2020, the following sums:

#### Notes and Mortgages

Principal as of June 2, 2020	\$195,175.26
Interest as of June 2, 2020	<u>\$ 23,069.63</u>
Total as of June 2, 2020	<u>\$218,244.89</u>

#### Costs and Disbursements

Filing of Notice of Lis Pendens	<u>\$ 30.00</u>
Total Costs & Disbursements	<u>\$ 30.00</u>

<b>TOTAL AS OF JUNE 2, 2020</b>	<b><u>\$218,274.89</u></b>
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3. There is now due and unpaid on the Land Contract held by Defendants Arthur F. Stanley and Cynthia A. Stanley as of \$21,784.03 as of January 11, 2020, and attorney's fees of \$23,320.22, for a total of \$45,104.25 as of January 11, 2020. Interest accrues on that debt at a per diem rate of \$3.125.

4. The United States has incurred costs of \$30.00 for the recording of the Lis Pendens.

5. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.

6. The mortgaged premises are described as follows:

The Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), AND the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), all in Section 34, Township 33 North, Range 5 West, Town of Marshall, Rusk County, Wisconsin, EXCEPT Certified Survey Map No. 1292, recorded in Volume 8 of Certified Survey Maps, Page 62 as Document No. 347952.

For information purposes only:

Tax Key Numbers: 024-00689-0000  
024-00690-0000

7. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.

8. Notice of the pendency of this action was duly given on September 4, 2019, after the filing of the Complaint herein, by filing an Amended Notice of Lis Pendens in the office of the Register of Deeds for Rusk County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

9. Defendants Wade C. Stanley and Cynthia M. Stanley have not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendants.

10. The United States and Defendants Arthur F. Stanley and Cynthia A. Stanley, entered a Stipulation regarding real estate mortgage priorities and entry of judgment. Stip., ECF No. 15.

CONCLUSIONS OF LAW

11. The United States is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in the United States' Complaint, and in accordance with the above Findings of Fact.

12. Defendants Arthur F. Stanley and Cynthia A. Stanley are entitled to recover from the Defendants the sum of \$45,104.25, plus any interest, attorney's fees, costs, and disbursements made or incurred after January 11, 2020, until paid in full.

13. The United States is entitled to recover from the Defendants the sum of \$218,274.89 as of June 2, 2020, plus interest at a per diem rate of \$15.3736 to the date of entry of judgment.

14. The Defendants and all persons claiming under them subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

15. The mortgaged premises shall be sold as a whole.

16. That if necessary to secure possession of the premises, the Clerk of Court, upon application by the United States, shall issue a Writ of Assistance.

17. The Defendants shall not be granted a right of redemption.

18. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in the Ladysmith News, the newspaper published in the City of Ladysmith, Rusk County, Wisconsin.

19. Proceeds from the sale of the subject premises, less United States Marshal's costs, shall be paid first to satisfy the debt to Defendants Arthur F. Stanley and Cynthia A. Stanley by virtue of the Land Contract executed on June 1, 2006, in the amount of \$45,104.25, plus any interest, attorney's fees, costs, and disbursements made or incurred after January 11, 2020, until paid in full.

20. The remaining proceeds from the sale of the subject premises shall be paid to satisfy the Defendants' debt owed to the United States \$218,274.89, together with interest at a per diem rate of \$15.3736 from June 2, 2020, to the date of entry of judgment, plus necessary costs and disbursements.

21. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.

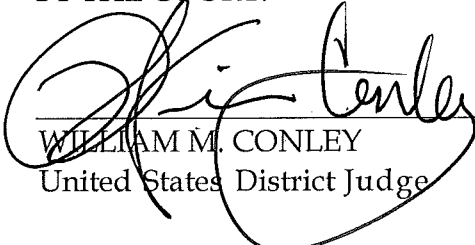
22. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgages in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 24<sup>th</sup> day of June, 2020.

BY THE COURT:

  
WILLIAM M. CONLEY  
United States District Judge